

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

OBIE RADICA,)
)
Plaintiff,)
)
vs.) Case No. 4:08CV0458 AGF
)
MICHAEL J. ASTRUE)
Commissioner of Social Security,)
)
Defendant.)
)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's application for reimbursement of attorney's fees in the amount of \$3,515.99 (18.1 hours of attorney time at an hourly rate of \$173.37; 3.0 hours of paralegal time at an hourly rate of \$100.00; and 1.3 hours of case administrator time at an hourly rate of \$60.00) pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B). Plaintiff is the prevailing party in this action challenging the Commissioner of Social Security's denial of Plaintiff's application for disability insurance benefits. Plaintiff's request for fees is supported by appropriate documentation. The Commissioner does not object to either Plaintiff's request for fees or for payment directly to Plaintiff's attorney, Gateway Legal Service, Inc.

The Court finds that Plaintiff's application for attorney's fees is reasonable as to hours expended on this matter and that Plaintiff has submitted adequate proof supporting

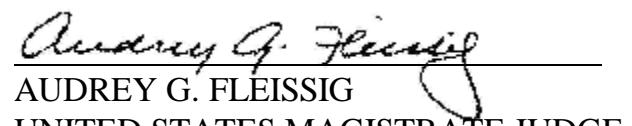
his request for fees in excess of the statutory limit of \$125.00 per hour. Thus, Plaintiff is entitled to \$3,515.99 in attorneys' fees.

An award of attorney's fees under the EAJA "become[s] the property of the prevailing party's attorney when assessed[.]" Ratliff v. Astrue, 540 F.3d 800,802 (8th Cir. 2008), cert. granted, 130 S. Ct. 48 (U.S. 2009). As such, the award shall be made payable to Plaintiff's attorney as requested.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's application for attorney's fees is **GRANTED** in the amount of \$3,515.99. [Doc. #21]

IT IS FURTHER ORDERED that said award shall be made payable to Plaintiff's attorney, Gateway Legal Services, Inc.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of December, 2009.